Response to Amendment

Amendment received on 11/06/2007 is acknowledged and entered. Claims 1-58, 65-80, 88-101, and 106-107 have been canceled. Claims 59-64, 81-87, 102-105 and 108 are currently pending in the application.

Claims 59-64, 81-87, 102-105 and 108 have been indicated as allowable in last Office action of 08/23/2007, therefore all Claims Rejections regarding claims 59-64, 81-87, 102-105 and 108 have been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with Representative Carson C. K. Fincham (Reg. No.: 54,096) on Friday, January 25, 2008.

The application has been amended as follows:

IN THE CLAIMS

1-58. (Canceled)

59.   (Previously presented) A method for conducting a transaction, comprising:
         determining at least one product being purchased by a customer during a first transaction;

determining a first transaction price for said at least one product being purchased during said first transaction;

offering said customer an opportunity to purchase said at least one product during a second transaction for a second transaction price that is equivalent to said first transaction price;

receiving an acceptance of said offer from said customer;

receiving, from said customer, a payment for the opportunity, wherein the payment comprises a price that is different than the first or second transaction prices; and

allowing said customer to purchase said product during said second transaction for said second transaction price.

60.   (Original) The method of claim 59, further comprising:

providing said customer a benefit identifier associated with said at least one product.

61.   (Original) The method of claim 60, further comprising:

receiving said benefit identifier during said second transaction.

62.   (Original) The method of claim 61, further comprising:

determining a benefit based on said benefit identifier.

63.   (Previously presented) A method for conducting a transaction, comprising:

determining at least one product being purchased by a customer during a first transaction;

determining a first transaction price for said at least one product being purchased during said first transaction;

providing said customer a benefit during said first transaction, wherein said benefit allows said customer to purchase said at least one product during a second

transaction for a second transaction price that is equivalent to said first transaction price;

charging said customer for a cost of the benefit, wherein the charging is for an amount that is different than the first or second transaction prices; and

allowing said customer to purchase said product during said second transaction for said second transaction price.

64.   (Previously presented) A method for conducting a transaction, comprising:

determining at least one product being purchased by a customer during a first transaction;

determining a first price for said at least one product being purchased during said first transaction;

providing said customer a benefit for a second price during said first transaction, wherein said benefit allows said customer to purchase said at least one product during a second transaction for an amount equivalent to said first price;

charging the second price for the benefit to the customer, wherein the second price is different than the first price; and

allowing said customer to purchase said product during said second transaction for said amount equivalent to said first price.

65-80. (Cancelled)

81.   (Previously presented) A method, comprising:

determining a first price for which a first unit of a product is being purchased as part of a first transaction at a point of sale terminal;

determining a benefit, in which the benefit comprises a guarantee that no more than the first price for a second unit of the product will be charged if the second unit of the product is purchased as part of a second transaction;

outputting, at the point of sale terminal, an offer to sell the benefit for a second price, wherein the second price is different than the first price; and

charging a customer that is purchasing the first unit of the product for the second price if the customer accepts the offer.

82.   (Previously presented) The method of claim 81, further comprising:

outputting, to the customer, a document that entitles the customer to be charged the first price for a second unit of the product.

83.   (Previously presented) The method of claim 82, further comprising:

receiving the document from the customer during a second transaction.

84.   (Previously presented) The method of claim 83, further comprising:

determining a current shelf price for the second unit of the product; and

charging the customer, for the second unit of the product, the lesser of the current shelf price and the first price.

85.   (Previously presented) A method, comprising:

determining a purchase total for a first transaction being conducted at a point of sale terminal, the transaction including a plurality of products;

determining a benefit, in which the benefit comprises a guarantee that an amount that is not greater than the purchase total will be charged for the plurality of products during a second transaction;

outputting, at the point of sale terminal, an offer to sell the benefit for a price, wherein the price is different than the purchase total; and

charging the price to a customer participating in the first transaction if the customer accepts the offer.

86.   (Previously presented) A method comprising:

determining a purchase total for a first transaction being conducted at a point of sale terminal;

determining an amount of savings received by a customer participating in the first transaction;

determining a benefit, in which the benefit comprises a guarantee that no less than the savings will be received by the customer during a second transaction;

outputting, at the point of sale terminal, an offer to sell the benefit for a price, wherein the price is different than the purchase total; and

charging the price to the customer if the customer accepts the offer.

87.   (Previously presented) The method of claim 86, wherein the guarantee comprises a guarantee that no less than the savings will be received by the customer during a second transaction if the customer purchases the same products in the second transaction as are included in the first transaction.

88-101. (Canceled)

102.   (Currently amended) An apparatus, comprising:

a processor; and

a storage device in communication with said processor and storing instructions, wherein said processor is adapted to be executed by said instructions processor to:

determine at least one product being purchased by a customer during a first transaction;

determine a first transaction price for said at least one product being purchased during said first transaction;

offer said customer an opportunity to purchase said at least one product during a second transaction for a

receive an acceptance of said offer from said customer;

receive, from said customer second transaction price that is equivalent to said first transaction price;, a payment for the opportunity, wherein the payment comprises a price that is different than the first or second transaction prices; and

allow said customer to purchase said product during said second transaction for said second transaction price.

103.   (Currently amended) A computer-readable medium storing instructions adapted to be executed by a processor, which when executed by said processor cause said processor to implement a method, comprising to:

determin[[e]]ing at least one product being purchased by a customer during a first transaction;

determin[[e]]ing a first transaction price for said at least one product being purchased during said first transaction;

offering said customer an opportunity to purchase said at least one product during a second transaction for a second transaction price that is equivalent to said first transaction price;

receiv[[e]]ing an acceptance of said offer from said customer;

receiv[[e]]ing, from said customer, a payment for the opportunity, wherein the payment comprises a price that is different than the first or second transaction prices; and

allowing said customer to purchase said product during said second transaction for said second transaction price.

104.   (Currently amended) An apparatus, comprising:

a processor; and

a storage device in communication with said processor and storing instructions, wherein said processor is adapted to be executed by said instructions processor to:

determine at least one product being purchased by a customer during a first transaction;

determine a first transaction price for said at least one product being purchased during said first transaction;

provide said customer a benefit during said first transaction, wherein said benefit allows said customer to purchase said at least one product during a second transaction for a second transaction price that is equivalent to said first transaction price;

charge said customer for a cost of the benefit, wherein the charging is for an amount that is different than the first or second transaction prices; and

allow said customer to purchase said product during said second transaction for said second transaction price.

105.   (Currently amended) A computer-readable medium storing instructions adapted to be executed by a processor, which when executed by said processor cause said processor to implement a method, comprising to:

determin[[e]]ing at least one product being purchased by a customer during a first transaction;

determin[[e]]ing a first transaction price for said at least one product being purchased during said first transaction;

provid[[e]]ing said customer a benefit during said first transaction, wherein said benefit allows said customer to purchase said at least one product during a second transaction for a second transaction price that is equivalent to said first transaction price;

charg[[e]]ing said customer for a cost of the benefit, wherein the charging is for an amount that is different than the first or second transaction prices; and

allowing said customer to purchase said product during said second transaction for said second transaction price.

106-107. (Canceled)

108.   (Previously presented) A method, comprising:

    determining a product being purchased by a customer during a first transaction;

    determining a product price associated with the customer's purchase of the
product during the first transaction;

    providing a benefit to the customer during the first transaction, wherein the
benefit allows the customer to purchase the product during a second transaction for a
second price that is equivalent to the first price;

    charging the customer for the benefit, wherein the charging is for an amount that
is different than the first or second prices;

    determining, during the second transaction and on behalf of the customer, that a
current price of the product is less then or equal to the second price; and

providing an indication, based on the determining that the current price of the product is
less then or equal to the second price, that the benefit should be saved for a future
transaction.

Allowable Subject Matter

    Claims 59-64, 81-87, 102-105 and 108 are allowed.

    The following is an examiner's statement of reasons for allowance:

As per independent claims 59, 63, 64, 81, 85, 86, 102-108, the best prior art, Shermack (Some Customers Willing to Pay for Priveleges), teaches an existing practice between retailers to charge customers to joint their loyalty clubs, said practice comprising: receiving transaction information, the transaction information been associated with a transaction having a transaction price; determining a benefit and a qualifying action for said benefit, said benefit based at least in part on said information; determining a price for said benefit, wherein said price is a non-zero monetary amount; selling said benefit at said benefit price to a customer; applying said benefit during a future transaction.

However, Shermack fails to teach or fairly suggest that said applying step includes charging a customer that is purchasing the first unit of the product for the second price if the customer accepts the offer; or allowing said customer to purchase said product during said second transaction for said second transaction price; or providing an indication, based on the determining that the current price of the product is less then or equal to the second price, that the benefit should be saved for a future transaction.

The best foreign art, Sakai (JP 05151465 A), while teaching providing certain benefit techniques including accumulating special benefits information issued each time purchase is made, fails to teach or fairly suggest that said techniques include charging a customer that is purchasing the first unit of the product for the second price if the customer accepts the offer; or allowing said customer to purchase said product during said second transaction for said second transaction price; or providing an indication, based on the determining that the current price of the product is less then or equal to the second price, that the benefit should be saved for a future transaction.

The best domestic prior art, Walker et al. (US 5,970,470), while teaching a method and system for establishing and managing subscription purchase agreements, including providing benefits to the customers, fails to teach or fairly suggest that providing said benefits includes charging a customer that is purchasing the first unit of the product for the second price if the customer accepts the offer; or allowing said customer to purchase said product during said second transaction for said second transaction price; or providing an indication, based on the determining that the current price of the product is less then or equal to the second price, that the benefit should be saved for a future transaction.

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.   Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
Primary Examiner, Art Unit 3628
01/28/2008